

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

CYNTHIA ELLISON,

Plaintiff

V.

AUBURN UNIVERSITY
MONTGOMERY,

Defendant

Civil Action No.

2:05CV902-MHT-DRB

DECLARATION OF BAYO LAWAL, Ph.D.

1. I am Bayo Lawal, Ph.D.; I am over 18 years old; I have no mental disabilities; and I make this declaration on personal knowledge
2. I have been the Dean of the School of Sciences at Auburn University Montgomery since August 2004. When I arrived at AUM, Cynthia Ellison became my secretary or executive assistant, and she remained in that position until she gave notice of retirement to me on February 9, 2005 and left on February 14.
3. In the six or seven months Ms. Ellison worked with me, she remarked several times that she wanted to retire and "take AUM to the cleaners." She most recently made the remark in December 2004.

4. On February 9, 2005, which was a Wednesday, Ms. Ellison handed me her written notice of retirement, which I accepted. I attach her notice of retirement and my acceptance of her notice as Exhibits A and B, respectively. On Thursday, February 10, as I learned later, Ms. Ellison signed her EEOC charge, and her lawyer mailed a copy of it to me. I do not recall when I received the letter with the charge, but it certainly was no sooner than Friday, February 11. I attach a copy of the letter I received from Ms. Ellison's lawyer as Exhibit C.

5. I came to my office on Saturday, February 12, and I noticed four large bags of shredded material. I understood that Alabama law prohibited shredding of student documents without permission, and I had not given permission for the shredding. The AUM archivist confirmed my concern.

6. I asked Ms. Ellison about the shredded documents in an e-mail message I sent to her that same Saturday. On the following Monday, February 14, she became angry and accused me of lack of trust.


7. She also claimed that AUM was not providing for her protection, although I had forwarded to her a message from Vice Chancellor Roger Ritvo confirming a regular presence of the AUM Police force in Goodwyn Hall, where our offices are located.

8. Ms. Ellison then advised me that she was leaving immediately for her retirement, and I never saw her again. Although it is misleading and

misrepresentative, I nonetheless attach a copy of her final message to me, evidencing and confirming her departure, as Exhibit D.

I declare under penalty of perjury that this Declaration is true and correct.

July 20, 2006.
Date



Bayo Lawal, Ph.D.
Dean, School of Sciences

EXHIBIT A



Auburn University Montgomery

School of Sciences
Office of the Dean

MEMORANDUM

TO: Dr. Bayo Lawal, Dean, School of Sciences

FROM: Cynthia Ellison, Dean's Office 

DATE: February 9, 2005

RE: Retirement

Please accept this as my notification to you of my intent to retire. As I stated in my letter to Debra Foster, I am no longer willing to subject myself to an environment that is potentially unsafe to me and others around me. The effective date of my retirement will be April 1, 2005. I would also like to discuss with you my plans concerning leave.

EXHIBIT B



Auburn University Montgomery

School of Sciences
Office of the Dean

February 9, 2005

Ms. Cynthia Ellison
Auburn University Montgomery
School of Sciences
Montgomery, AL 36117

Dear Cynthia:

I am in receipt of your retirement letter dated February 9, 2005. This came as a surprise to me. I know that you have discussed your intention to retire from AUM with me several times within the last five months, but each time, I have tried to talk you out of it. It seems obvious now that I have to resign myself to losing you to retirement. It is therefore with much regret that I accept your letter of resignation effective April 1, 2005.

No doubt we will miss you, particularly the office of the dean and the School. All of us appreciate the important contributions you made not just to the office but to the school and the university at large. I want to seize this opportunity to thank you on behalf of the faculty, staff and students of the school of sciences for your years of dedicated service to the school and this institution.

I wish you the very best in your retirement years.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Bayo H. Lawal'.

Bayo H. Lawal, Ph.D.
Dean, School of Sciences

cc: Ms. Debra Foster

EXHIBIT C

McPhillips Shinbaum, L.L.P.

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G. William Gill

RECEIVED
FEB 15 2005
OFFICE OF THE GENERAL
COUNSEL
Mailing Address
Post Office Box 64
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*Also Admitted
In New York

**Also Admitted
In District of Columbia

Office Administrator
Amy Strickland

February 10, 2005

Dean Bayo Lawal
Auburn University of Montgomery
7430 East Drive
Montgomery, Alabama 36124-4034

Dr. Roger Ritvo
Auburn University of Montgomery
School of Sciences
7430 East Drive
Montgomery, Alabama 36124-4034

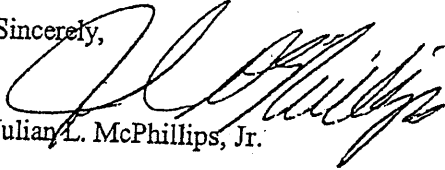
RE: Ms. Cynthia Ellison

Dear Dean Lawal and Dr. Ritvo:

This law firm and I represent Ms. Cynthia Ellison. We have filed today, on her behalf, a charge of race and retaliation discrimination charge with the EEOC against AUM and Mr. Chris Mahaffy. I have attached a copy hereto for your ready review.

If you desire to negotiate a resolution to this matter without further litigation, please contact me at the above number within 10 days from your receipt of this letter. Thank you.

Sincerely,


Julian L. McPhillips, Jr.

JLMcP/as

xc: Ms. Cynthia Ellison
Enclosure

EXHIBIT D

AUM
Auburn University Montgomery

School of Sciences
Office of the Dean

MEMO

To: Bayo Lawal, Dean, School of Sciences
From: Cynthia Ellison *Cynthia Ellison*
Date: February 14, 2005
Re: Annual Leave and Time Sheets

Dr. Lawal I have submitted to you leave slips and time sheets starting 1:00 p.m. on February 14, 2005 through March 31, 2005. Since you stated to me that I have compromised the integrity of the dean's office by sharing the memo about Chris Mahaffy with my attorney; even though you told me that you had no problem with sharing the information with me and for me to do what I had to do. I feel it best that I leave immediately. It is unfortunate that you feel this way, given that you encouraged me to do what was right in regards to Chris and that you would also file civil litigation if things weren't changed to your satisfaction. I can no longer handle the retaliation that I am under from Chris, others, and now you.